

## DECLARATION, POWER OF ATTORNEY, and PETITION

As a below named inventor(s), I/We hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **THE USE OF PROCYANIDINS IN THE MAINTENANCE OF VASCULAR HEALTH AND MODULATION OF THE IMMUNE SYSTEM**, the specification of which (check one)  is attached hereto  was filed \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### Prior Foreign Application(s)

			Priority Claimed
(Number)	(Country)	Day/month/year filed	<input type="checkbox"/> <input type="checkbox"/> Yes No
			<input type="checkbox"/> <input type="checkbox"/> Yes No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/831,245</u> (Application Serial No.)	<u>April 2, 1997</u> (Filing date)	Pending (patented, pending, abandoned)
<u>08/631,661</u> (Application Serial No.)	<u>April 2, 1996</u> (Filing date)	Abandoned (patented, pending, abandoned)
<u>08/709,406</u> (Application Serial No.)	<u>September 6, 1996</u> (Filing date)	Pending (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Michael J. Pantuliano, Reg. No. 18,971; Victor Siber, Esq., Reg. No. 27,149; Joseph P. Kincart, Reg. No. 43,716; James V. Mahon, Reg. No. 41,966; Victor Geraci, Reg. No. 38,157; Joseph Levi, Reg. No. 41,152; John E. Kidd, Reg. No. 19,916; Margaret B. Kelley, Reg. No. 29,181; Philip E. Roux, Reg. No. 31,295; C. Joseph Laughon, II, Reg. No. 31,389; Leora Ben-Ami, Reg. No. 32,455; Robert D. Schaffer, Reg. No. 33,775; Michael M. O'Shea, Reg. No. 35,631; Joel N. Bock, Reg. No. 36,456; Patricia A. Carson, Reg. No. 36,473; Gerard P. Norton, Reg. No. 36,621; John T. Johnson, Reg. No. 37,363; Gregory P. Silberman, Reg. No., 39,836; Frank C. Cimino, Reg. No. 39,945; Frank J. Nuzzi, Reg. No. 42,944 and David P. Ries, Reg. No. 43,046, all of the firm of Rogers & Wells, 200 Park Avenue, New York, NY 10166-0153, as attorneys with full powers of substitution and revocation to prosecute this application, and to receive the patent and to transact all business in the Patent and Trademark Office connected therewith.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

**Full name of sole or first inventor** Leo J. Romanczyk Jr.

Inventor's signature Leo J. Romanczyk Jr. Date: 12/7/99

Residence Hackettstown, New Jersey

Citizenship United States

Post Office Address 4 Fern Drive, Hackettstown, New Jersey 078040

**Full name of second inventor** Harold H. Schmitz

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence Branchburg, New Jersey

Citizenship United States

Post Office Address 61 Harland School Road, Branchburg, New Jersey 08876

And I hereby appoint Michael J. Pantuliano, Reg. No. 18,971; Victor Siber, Esq., Reg. No. 27,149; Joseph P. Kincart, Reg. No. 43,716; James V. Mahon, Reg. No. 41,966; Victor Geraci, Reg. No. 38,157; Joseph Levi, Reg. No. 41,152; John E. Kidd, Reg. No. 19,916; Margaret B. Kelley, Reg. No. 29,181; Philip E. Roux, Reg. No. 31,295; C. Joseph Laughon, II, Reg. No. 31,389; Leora Ben-Ami, Reg. No. 32,455; Robert D. Schaffer, Reg. No. 33,775; Michael M. O'Shea, Reg. No. 35,631; Joel N. Bock, Reg. No. 36,456; Patricia A. Carson, Reg. No. 36,473; Gerard P. Norton, Reg. No. 36,621; John T. Johnson, Reg. No. 37,363; Gregory P. Silberman, Reg. No. 39,836; Frank C. Cimino, Reg. No. 39,945; Frank J. Nuzzi, Reg. No. 42,944 and David P. Ries, Reg. No. 43,046, all of the firm of Rogers & Wells, 200 Park Avenue, New York, NY 10166-0153, as attorneys with full powers of substitution and revocation to prosecute this application, and to receive the patent and to transact all business in the Patent and Trademark Office connected therewith.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

**Full name of sole or first inventor** Leo J. Romanczyk Jr.

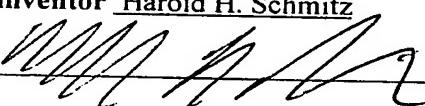
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence Hackettstown, New Jersey

Citizenship United States

Post Office Address 4 Fern Drive, Hackettstown, New Jersey 078040

**Full name of second inventor** Harold H. Schmitz

Inventor's signature  Date: 12/7/99

Residence Branchburg, New Jersey

Citizenship United States

Post Office Address 61 Harland School Road, Branchburg, New Jersey 08876



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MAY 24, 2000

PTAS

ROGERS & WELLS LLP  
MARGARET B. KELLEY  
200 PARK AVENUE  
NEW YORK, NEW YORK 10166



\*101328155A\*

CORRECTED  
NOTICE

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/10/1999

REEL/FRAME: 010490/0713  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ROMANCZYK, LEO J., JR.

DOC DATE: 12/07/1999

ASSIGNOR:

SCHMITZ, HAROLD H.

DOC DATE: 12/09/1999

ASSIGNEE:

MARS, INCORPORATED  
6885 ELM STREET  
MCLEAN, VIRGINIA 22101-3883

SERIAL NUMBER: 09459171  
PATENT NUMBER:

FILING DATE: 12/10/1999  
ISSUE DATE:

PEARLENE FOSTER, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

We, Leo J. Romancyzk, Jr., and Harold H. Schmitz, who reside respectively at: 4 Fern Drive, Hackettstown, NJ 07840, and 61 Harland School Road, Branchburg, NJ 08876, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled: **THE USE OF PROCYANIDINS IN THE MAINTENANCE OF VASCULAR HEALTH AND MODULATION OF THE IMMUNE SYSTEM**, which is a continuation-in-part of application U.S. Ser. No. 08/831,245 filed April 2, 1997, which is a continuation-in-part of abandoned application U.S. Ser. No. 08/631,661 filed April 2, 1996, and a continuation-in-part of pending application U.S. Ser. No. 08/709,406 filed September 6, 1996., which application was executed by us and MARS, INCORPORATED, whose address is 6885 Elm Street, McLean, VA 22101-3883, and which, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, and any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;

3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

5. Bind our heirs and legal representatives, as well as ourselves to do, upon Assignee's request, and at its expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the

same could have been held and enjoyed by us or our heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs or legal representatives and which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instruction is the 7<sup>th</sup> day of December, 1999.

In testimony of which we have affixed our signatures

Leo J. Romanczyk, Jr.  
Leo J. Romanczyk, Jr.

State of District of Columbia)  
                                     ) ss.:  
County of Washington       )

On this 7<sup>th</sup> day of December, 1999 before me appeared Leo J. Romanczyk, Jr., to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Notary Public my commission expires 9/30/03

(OFFICIAL SEAL)

State of                         )  
                                     ) ss.:  
County of                        )

Harold H. Schmitz

On this \_\_\_\_\_ day of \_\_\_\_\_, 1999 before me appeared Harold H. Schmitz, to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

(OFFICIAL SEAL)

\_\_\_\_\_  
Notary Public

same could have been held and enjoyed by us or our heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs or legal representatives and which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instruction is the \_\_\_\_\_ day of \_\_\_\_\_, 1999.

In testimony of which we have affixed our signatures.

Leo J. Romanczyk, Jr.

State of )  
              )  
              ) ss.:  
County of )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1999 before me appeared Leo J. Romanczyk, Jr., to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

(OFFICIAL SEAL)

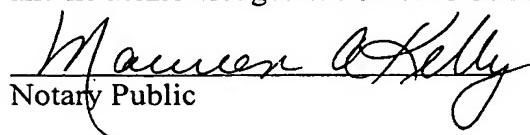
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Harold H. Schmitz

State of New York )  
              )  
              ) ss.:  
County of New York )

On this 9<sup>th</sup> day of December, 1999 before me appeared Harold H. Schmitz, to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.



\_\_\_\_\_  
Notary Public

(OFFICIAL SEAL)

MAUREEN A. KELLY  
Notary Public, State of New York  
No. 4925577  
Qualified in Nassau County  
Commission Expires April 4, 2000